

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1B. This sheet, which includes Figs. 1A and 1B, replaces the original sheet including Figs. 1A and 1B.

Attachment: Replacement Sheet (1)

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

The drawings have been objected to as not complying with 37 C.F.R. §1.84(p)(4); the disclosure has been objected to as containing informalities; Claims 22, 30, 34 and 35 have been objected to as containing informalities; Claims 22-35 have been rejected under 35 U.S.C. §112, second paragraph, as being vague and indefinite; Claims 22-26 and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barron et al. in view of Muenzel et al. and Claims 27-30 and 32-35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barron et al. and Muenzel et al. further in view of Eaton et al. Claims 1-42 have been canceled, without prejudice, and new Claims 43-56 have been added and thus, Claims 43-56 remain active.

Considering first then the Examiner's objections to the drawings, substitute Figure 1B is filed herewith for the purpose of more clearly differentiating the location of reference numbers 1, 17 and 18 in such figure. More particularly, Applicants have amended the reference lines for reference numbers 1, 17 and 18 such that reference number 1 designates the sensitive element, reference number 17 designates a zone of the sensitive element interconnected to another zone of the sensitive element via a pillar (see page 14, lines 8-13) and reference number 18 designates a suspended region of the sensitive element (see page 15, lines 11-12). As can thus be appreciated, the lead lines point to different areas so as to designate more precisely the different zones of the sensitive element and it is therefore submitted that such comply with 37 C.F.R. §1.84. Should the Examiner believe that a different method of designation would be helpful, however, the Examiner is invited to suggest how such should be done for closer compliance with U.S. patent practice.

Considering next then the Examiner's objections to the disclosure, Applicants agree with the proposition of the Examiner related to reference number 22 which designates a dielectric layer. Accordingly, Applicants have proposed introducing the term dielectric layer for each reference to reference number 22 (see, for example, page 14, line 7; page 15, line 30; page 16, lines 1, 23 and 30; page 17, line 31 and page 18, line 20). Applicants submit, however, that the Examiner's suggestion concerning reference number 9 is not correct. More particularly, the Examiner's suggestion is believed to be too restrictive in designating reference number 9 as being a frame. Reference number 9 instead designates the zone of the first layer 20, located beyond the trench 11 in relationship to an assembly comprising the sensitive element, the electrical connection and the contact pad. Applicants have therefore proposed amending the disclosure where indicated on pages 10, 12 and 14 on this basis and therefore favorable reconsideration of this matter is respectfully requested. Accordingly, zone 9 has been indicated as being a zone of the first layer 20 in these pages.

Considering next then the objections to Claims 22, 30, 34 and 35, it is to be noted that such claims have now been canceled with new Claims 43-56 having been introduced which address each of the objections raised by the Examiner. In this regard, it is noted that the phrase "at the level of" has been changed to read --located inside-- and new Claim 53 and the phrase "integral with" has been changed to --fixed to-- in new Claim 54. In addition, amendments have been made related to the terms "zone" 9, "dielectric layer" 22 and to take into consideration the objections related to the prior art.

Considering next then the rejection of Claims 22-26 and 31 under 35 U.S.C. §103(a) as being unpatentable over Barron et al. in view of Muenzel et al. and the rejection of Claims 27-30 and 32-35 under 35 U.S.C. §103(a) as being unpatentable over Barron et al. in view of Muenzel et al. and further in view of Eaton et al., it is submitted that newly introduced Claims 43-56 clearly patentably define over the above-noted references. More particularly,

Applicants note that Barron et al. discloses in Figure 13 a microstructure comprising a first layer (24) insulated from a substrate (14) by an insulator layer (22), and at least one sensitive element (26) connected to one contact pad (28) by an electrical connection (24) and protected by a package cap (34). The sensitive element (26), the electrical connection (24) and the contact pad (28) form an assembly delimited in the first layer by at least one trench (30). The package cap covers the assembly (28 + 24 + 26). The package cap (34) comprises at least one opening (not referenced) above the contact pad. The package cap is fixed to the contact pad in one hand and on the other hand to a zone located beyond the trench.

Applicant's submit that Barron et al. does not disclose that:

the sensitive element, the contact pad and the electrical connection are realized in the first layer; and that

the trench is realized in the first layer;

the zone located beyond the trench in relation to the assembly is realized in the first layer; and that

the cap is fixed to a zone of the first layer beyond the trench in relation to the assembly.

The cap of Barron et al. is fixed to the dielectric layer 22.

Muenzel et al. discloses (see Figures 1 and 2) an assembly made of a sensitive element (7), a contact pad (20) and an electrical connection (4), said assembly being realized in a first layer (3) insulated from a substrate (1) by an insulator layer (4). However Muenzel et al. does not disclose a package cap as claimed and consequently nothing is revealed as to the place where the cap is fixed.

One of ordinary skill in the art who wishes to simply realize a microstructure covered with a cap and who knows the teaching of Barron et al., even if he uses the teachings of Muenzel et al., cannot obtain the claimed microstructure. The reason for this conclusion is

that Muenzel et al. does not teach in disclose a cap as claimed and the attachment of the cap on a zone of the first layer beyond the trench in relation of the assembly.

The teaching of Barron et al. even when combined with Muenzel et al. does not teach or suggest the attachment of the cap on a zone of the first layer beyond the trench in relation of the assembly in the manner presently claimed.

Each of Claims 37-50 contain additional limitations which, it is submitted have no corresponding teaching or disclosure in the prior art. In view of these limitations and based upon the dependency of such claims either directly or indirectly upon Claim 43, it is submitted that Claims 44-56 also merit indication of allowability.

In view of the foregoing an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Gregory J. Maier

Attorney of Record  
Registration No. 25,599

James D. Hamilton  
Registration No. 28,421

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)  
JDH/rac

I:\ATTY\JDH\27s\272\272637US\272637US AM DUE 9-12-07.DOC